

CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH

O.A. No. 310/00282 of 2021

DATED THE 3<sup>rd</sup> DAY OF FEBRUARY TWO THOUSAND TWENTY FOUR

PRESENT:

THE HON'BLE SHRI MANISH GARG, MEMBER(J)

THE HON'BLE SHRI VARUN SINDHU KUL KAUMUDI, MEMBER (A)

1. S. Ramkumar, Age 61 years, [HRMS No.198109029]  
S/o (Late) Sri.A.Srinivasan,  
SDE [Retired], O/o REM Tamil Nadu Circle,  
Residing at: 10D/5D KAMMAPPAR STREET,  
F2 JAYALAKSHMI BLOCKS,  
GANAPATHYPURAM, CHROME PET, CHENNAI-600044.
2. M. Divakaran, Age 77 years, [HRMS No.280211659]  
S/o (Late) Sri.B.Manickam  
Sub-Divisional Engineer [Retired], O/o PGM,  
Residing at: No.68/69,  
2-A Sree Iyswaryam Apartment,  
Kumudam Nagar, Vilankurichi Post, COIMBATORE 641 035.
3. A. Govindaraju, Age 70 years, [HRMS No.197000407]  
S/o (Late) Sri.Arumugam,  
Senior Accountant [Retired], O/o PGM, Coimbatore,  
Residing at : No.63, Bharathidasan Nagar,  
Ramanathapuram, COIMBATORE 641 045.
4. G. Gurusamy, Age 74 years. [Staff No.11]  
S/o (Late) Sri.M.K.Ganapathy,  
General Manager [Retired],  
Residing at :No.38, SPM Garden,  
Kavundanpalayam, COIMBATORE 641 030.
5. S. Kottiappan, Age 62 years [HRMS No.197901341]  
S/o (Late) Sri.Shanmugam,  
Sr.Accountant [Retired], O/o PGM, Coimbatore,  
Residing at: No.13/34G, Athappa Gounden Pudur Road,  
Irungur, COIMBATORE 641 103.
6. V. Jayanthi, Age 53 years [HRMS No.199100532]  
D/o (Late) Sri.K.Vasudevan,  
AGM [Retired], O/o PGM, Coimbatore  
Residing at: No.23-A East Main Road, Thirumurugan Nagar,  
Vadavalli, COIMBATORE 641 041.



7. N. Subramanian, Age 58 years [HRMS No.198309659]  
S/o (Late) Sri.V.Narayanasamy,  
JTO [Retired], O/o PGM [NOW-CM], Coimbatore-11,  
Residing at: No.1, MADHAV NAGAR,  
3<sup>rd</sup> Street, Vadavalli, Bharathiar University Post,  
COIMBATORE 641 046.
8. B. Ramesh, Age 53 years, [HRMS No.199000611]  
S/o (Late) Sri.R.Balasubramanian,  
AGM [Retired], O/o PGM [NWO-CM], Coimbatore-11  
Residing at: No.12,R.R.Gardens, Kavundampalayam Road,  
Edayarpalayam, COIMBATORE 641 025.
9. Periyanyaki Mahendran,  
Age 62 years [HRMS No.198401174]  
S/o (Late) Sri.Thukke Gounder,  
OS (T) [Retired], O/o PGM, Coimbatore,  
Residing at: No.23/2, Vasanth Nagar,  
(Opp) Ulavar Sandai, 3<sup>rd</sup> Street, Singanallur PO,  
COIMBATORE 641 005.
10. K.V. Ganesh, age 56 years [HRMS No.199001700]  
S/o (Late) Sri.K.N.Venkatasubramanian,  
AGM [Retired], O/o DE (TX & INST), Ooty,  
Residing at: 199-200, V.G.V. Garden, 7th Street,  
Rakiapalayam Pirivu, Maniakaran Palayam Road,  
Nallur,TIRUPUR 641 606.
11. V. Rajasekaran, Age 64 years [HRMS No.197901132]  
S/o (Late) Sri.M.Venkatachalam,  
JAO [Retired] O/o PGM, Coimbatore-18,  
Residing at: No.4/192 D, Sri Annai Ayyammal Nagar,  
Peedampalli Road, (Opp) SBOA School,  
Pattanam, COIMBATORE 641 016;
12. E. Parameswaran, Age 58 years,  
[HRMS No.198300603] S/o (Late) Sri.P.Elayappan,  
JTO [Retired], O/o SDE Groups, TE Namagiripet,  
Residing at: No.65/4 Koneripatti Extension -2,  
Rasipuram, NAMAKKAL DISTRICT 637 408.
13. S. Chandrasekaran, Age 58 years,  
[HRMS No.198300770], S/o (Late) Sri.A.Sriramulu,  
JTO [Retired], O/o SDE, TE, Reddipatti, Salem,  
Residing at:No.512/1, Raja Nagar,  
(Opp) NGO's Colony, Kombaipatty, SALEM 636 008.
14. D. Maria AntO Fraklin Suresh,  
Age, 55 years [HRMS No.199000263],  
S/o Sri.C.Don Bosco,  
AGM [Retired], O/o PGM, BSNL Tuticorin,  
Residing at: No.59A/21, Snows Colony,  
South Cotton Road, TUTICORIN 628 001.





15. P. Sivaramakrishnan, Age 53 years  
[HRMS No.199205795] S/o Sri.S.R.Perumalsamy,  
AGM [Retired], O/o DE BSS CMTS, Virudhunagar.  
Residing at: No.9/19 A2, G.K. Nagar, 3<sup>rd</sup> Street,  
Manthithoppu Road, Kovilpatti, TUTICORIN DIST-628 501.
16. A. Ratna, Age 51 years [HRMS No.199100331]  
D/o Sri.K.Asirvatham  
AGM [Retired], O/o DE BSS, Tuticorin,  
Residing at: 5/249 B5, Geetha Nagar,  
(Opp) Geetha Matric School.Muthiahpuram Post,  
TUTICORIN 628 005.
17. P. Muthumuniyandi, age 68 years  
[HRMS No.197500206] S/o (Late) Sri.P.Palaniyandi,  
STS [Retired], O/o GM, BSNL, Virudhunagar,  
Residing at: No.157/48, Railway Feeder Road,  
K.R.Garden, VIRUDHUNAGAR 626 001.
18. T. Karuppiyah , Age 68 years, [HRMS No.197501303]  
S/o (Late) Sri.S.Thalaimalai Nadar,  
SDE [Retired], Telephone Exchange, Rajapalayam,  
Residing at: NO.704-F4, Malaiadipatti.  
Gandhi Nagar, RAJAPALAYAM 626 117.
19. Vasuki Balasubramanian,  
Age 61 years [HRMS No.198101511]  
SDE [Retired], O/o GM, Virudhunagar,  
Residing at: No.6/125,Mullai Street,  
NGO Colony (East), VIRUDHUNAGAR 626 001.
20. M. Mariappan , Age 59 years [HRMS No.198001738]  
S/o Sri.P.Muniyandi,  
AGM [Retired], O/o GM, Virudhunagar,  
Residing at: No.13,Lakshmi Colony,  
Katcheri Road, VIRUDHUNAGAR 626 001.
21. S.Rajeswari , Age 69 years, [HRMS No.197800071]  
D/o (Late)Sri.C.Subbaiah,  
STS (O) [Retired], O/o GM BSNL Virudhunagar,  
Residing at: No.1/1908,Muthal Nagar,  
Pandian Nagar, VIRUDHUNAGAR 626 001;
22. E.Kartheesan,, Age 58 years [HRMS No.199100093]  
S/o (Late) Sri.P.Esakkiappa Pillai,  
AGM [Retired] O/o DE [NWO-CM], Virudhunagar,  
Residing at:No.148/2B, Anandha Bhavanam,  
Vignesh Colony,Pullalakottai Road,VIRUDHUNAGAR 626 001.;



23. S. Pushpalatha, Age 58 years, [HRMS No.198301564]  
D/o (Late) Sri.R.Samadharman,  
AO [Retired], O/o PGM, Virudhunagar,  
Residing at: No.638, Katchery Road, 7<sup>th</sup> Street,  
Veluchamy Nagar, VIRUDHUNAGAR 626 001.
24. Helen Santhi , Age 54 years [HRMS No.199100157]  
D/o (Late) Sri.K.Chelliah,  
AGM [Retired] O/o DE Rural, Tenkasi.,  
Residing at: NO.5/274(1) 6<sup>th</sup> Street,  
K.R. Colony, TENKASI-627 811.
25. R. Ramanan , Age 58 years [198302173],  
S/o (Late) Sri.S.Ramachandran,  
Junior Engineer [Retired]  
Residing at: No8, SBI Colony First Street, MC Road,  
THANJAVUR 613 004;
26. S. Rajendran , Age 57 years [198400500]  
S/o (Late) Sri.M.Sundaresan,  
JTO [Retired], O/o DE [Urban], Mayiladuthurai,  
Residing at: NO.283A/1 8<sup>th</sup> Cross Street,  
Cooperative Nagar, MAYILADUTHURAI 609 118.
27. C. Sekar , age 58 years [HRMS No.198600724]  
S/o (Late) Sri.A.Chockalingam,  
SDE [Retired], O/o DE Rural Mtce., Mayiladuthurai,  
Residing at: No.7-261 F, Muthumariamman Nagar,  
Mela Ammachathiram, Thirubuvanam (PO),  
THANJAVUR DISTRICT 612 103.
28. T. Radhakrishnan , Age59 years [HRMS198703192],  
S/o (Late) SriR.Thangaiyan  
DGM [Retired],O/o GM, Thanjavur,  
Residing at: No.4/16-1,Thirmalpuram,VOC Road,  
Mannargudi, THIRUVARUR DISTRICT- 614 001.



29. P. Sundaravadivelu , Age 55 years,  
[HRMS No.198601037], S/o (Late) Sri.N.Pasupathi,  
JTO [Retired], O/o DE [RM], TE Thiruthuraipoondi  
Residing at: No.47/1, Bharathiyar Street, Thiruthuraipoondi,  
THIRUVARUR DISTRICT 614 713;
30. S.Indirajit , Age 56 years [HRMS NO.198601314]  
S/o (Late) Sri.D.Srinivasan,  
JTO [Retired], O/o DE [RM], Mannargudi  
Residing at: No.5A, Ayyanar Koil Street,  
Mannargudi, TIRUVARUR DISTRICT 614 001.
31. S. A Rangarajan ,Age 55 years [HRMS No.198700196]  
S/o (Late) Sri.G.Singaram,  
AO [Retired], O/o PGM, Thanjavur  
Residing at: PLOT NO. 402, Door No.1680,  
6<sup>th</sup> Street, N.K. Road, Arokiya Nagar,  
THANJAVUR 613 006.
32. K. Gomathi , Age 60 years [HRMS No.198000107]  
D/o (Late) Sri.S.Krishnan,  
PS [Retired], O/o GM, BSNL, Trichy,  
Residing at: No.5&6, Venkateswara Flats,  
Ramasamy Reddy Street, Srirangam, TRICHY 620 006.
33. G. R. Nagarajan , Age 61 years [198700183]  
S/o (Late) Sri.Ramakrishnan,  
AO [Retired], O/o GM, Karaikudi-2  
Residing at: No.2/927, Sixth Street, Thanthai Periyar Nagar,  
Sekkalai Post, KARAIKUDI 630 002.
34. S Rajkumar , Age 58 years [198401075]  
S/o (Late) Sri.M.Sundaramahalingam,  
JTO [Retired], O/o DE (Groups), Karaikudi,  
Residing at: No.9-4-199A,  
Kumanan 6<sup>th</sup> Cross North Street, Pari Nagar,  
KARAIKUDI 630 004.





35. K.R.Ravindran , Age 61 years, [HRMS No.198500308],  
S/o (Late) Sri.K.R.Ramaiyer,  
OS (T) [Retired], O/o SDOT, Thallakulam,  
Residing at: No.2/330 B Ayyanar Colony,  
Narasingam Road, Kadachanendal,  
MADURAI-625 107;
36. P.Ramakrishnan, Age 61 years [198314293],  
S/o (late) Sri.Panderinathan  
Sub-Divisional Engineer [Retired], NIB Pondicherry,  
Residing at: No. 56, Thendral Street,  
Jayamoorthy Raja Nagar,  
Mudaliyarpuram, PONDICHERY- 605 004;
37. V.S.Ravi, Age 60 years [HRMS No.198600883],  
S/o (Late) Sri.P.V.Subramanian,  
SDE [Retired], O/o GM, Cuddalore,  
Residing at: No.19, Rani Street, FCI Nagar,  
Semmandalam, CUDDALORE 607 001.
38. P. Senthilkumaran, Age 56 years, [HRMS No.198400804],  
S/o (Late) Sri.V.Pakkirisamy,  
JTO [Retired], O/o GM, Cuddalore,  
Residing at: No.88, Gokulam, 3<sup>rd</sup> Cross Street,  
Om Shakthi Nagar, Chavadi, CUDDALORE 607 006;
39. J.Dharmalingam , Age 59 years [HRMS No.198400328]  
S/o (Late) Sri.G.Jayavelu,  
JTO [Retired] Telephone Exchange Tindivanam  
Residing at: No.86A, Gopal Street Extension,  
N.K. Nagar, Tindivanam 604 001;
40. P.Muthukumarsamy, Age 66 years,[HRMSNo.197300715]  
S/o (Late) Sri. R.Pavadai  
CSS [Retired], O/o GM, Cuddalore  
Residing at: No.36 ,Angalamman Koil Street,  
Unit 3, C1, Anugraha Complex, Manjakuppam,  
CUDDALORE 607 001;
41. V.Veerabadran , Age65 years [HRMS No.197507537]  
S/o (Late) Sri.G.Venkaiah,  
JTO [Retired], O/o REM, TN Circle, Chennai-6  
Residing at: No.5 Gurusamy Nagar Main Road,  
G.K.Nagar, Anakaputhur, CHENNAI 600 070;
42. S.Udayakumari, Age 65 years [HRMS No.197702000]  
D/o [Late] Sri.K.A.Sambandam,  
JTO [Retired], O/o CGM, Chennai-6  
Residing at: No.54/60 Anna Street,  
Sri Venkateshwara Nagar, Kolathur, CHENNAI 600 099;
43. K.T. Rathinavelu , Age 69 years [197304432]



- S/o (Late) Sri.K.Thangavelu,  
SDE [Retired], O/o PGM (Development) Chennai-6  
Residing at: PLOT No 50A, Second Cross Street,  
Shankar Nagar, Pammal, CHENNAI 600 075;
44. S. Savithiri , Age 59 years, [HRMS No.198400912]  
D/o (Late) Sri.T.R.Swaminathan,  
JTO [Retired], O/o CGM, Chennai-6  
Residing at: No.Block 11, Sri Kumaran Foundation,  
Vanchinathan Street Extension, Kesari Nagar 5<sup>th</sup> Street,  
Adambakkam, CHENNAI 600 088;
45. S. Nirmaladevi , Age56 years [HRMS No.198809304],  
D/o (late) Sri.T.K.Srinivasan,  
JTO [Retired], O/o CGM, Chennai 600 006,  
Residing at: No. S1/39, Keerthi Sudha Enclave,  
Railway Border Road, Kodambakkam, CHENNAI 600 024;
46. K. Damodaran , Age56 years, [HRMS No.198401445]  
S/o (Late) Sri.C.Kannan,  
JTO [Retired], O/o PGM, Vellore ,  
Residing at: No.2, New Street Extension, Senguttai,  
Katpadi, VELLORE DISTRICT 632 007;



47. S.Nagalakshmi , Age 58 years [HRMS No.198700220]  
D/o (Late) Sri.Subramanian,  
AGM [Retired], O/o CGM, Chennai-6,  
Residing at: Flat No 3A, Mahalakshmi Apartments,  
28, Arunachalam Road, Saligramam, CHENNAI 600 093;
48. S. Jayanthi , Age 58 years [HRMS No.198600756]  
D/o (Late) Sri.K.S.Somanathan,  
OS (T) [Retired], O/o CGM TN Circle, Chennai-6,  
Residing at: No.16,Venkatesan Street,  
B5,Vishnupriya Apartment, T.Nagar, CHENNAI 600 017;
49. N. Vasantha , Age 61 years [HRMS No.198600501]  
D/o (Late) Sri.K.Narayanan Nair,  
OS (T) [Retired], O/o SDE Phones,Tirupalai,  
Residing at: No.1/206A, Vadamalli Street,  
Balaji Nagar, Tirupalai, MADURAI 625 014.

---- Applicant(s)

(Advocate: M/s. N.K. Srinivasan)

-Vs-

1. The Chairman and Managing Director,  
Bharat Sanchar Nigam Limited,  
Corporate Office, Harishchandra Mathur Lane,  
Janpath, NEW DELHI 110 001.
2. The Chief General Manager Telecom,  
BSNL, Tamil Nadu Circle,  
BSNL ADMN Building, 7<sup>th</sup> Floor,  
16 Greams Road, Chennai 600 006.
3. The Principal Controller of Communication Accounts,  
Tamil Nadu Circle,  
7<sup>th</sup> Floor, R K Nagar Telephone Exchange Building,  
238, R K Mutt Road, Chennai 600 028.

....Respondent(s)

(Advocate: Mr. S. Udayakumar, R1-R2  
Mr. M. Kishore Kumar R3.)





**ORDER**

(Pronounced by Hon'ble Varun Sindhu Kul Kaumudi, Member (A))

Pursuant to the notification, dated 25.01.2024, the matter was heard, in detail. We have heard the learned counsels, Mr.N.K.Srinivasan for the applicant and Mr.S.Udayakumar and Mr.M.Kishore Kumar for the respondents, and perused the records.

2. This OA has been filed by the applicant Under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:-

“(i) To call for the records of the Respondents leading to rejection of applicants' claim of one notional increment after completion of one full year service for the purpose of refixation of pension vide Letter No. TAC/PEN/BSNL/SR/18-19 dated 18.03.2020 and the same may be pleased to set aside and quash;

ii) direct the respondents to comply with the judgement of the Hon'ble Supreme Court of India and other judicial forums since all the applicants are similarly placed and direct the respondents to grant one notional increment [Which falls next day of their retirement/superannuation) to the applicants after completion of one full year service along with admissible rate of interest with consequential benefits thereof;

(iii) To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.”

3. The brief facts of the case, as submitted by the applicants, are as under:-

The applicants superannuated/retired from service on 30.04.2019,





31.07.2003, 30.04.2010, 30.06.2006, 31.01.2018, 31.01.2020, 31.01.2020,  
 31.01.2020, 31.10.2018, 31.01.2020, 31.05.2016, 31.01.2020, 31.01.2020,  
 31.01.2020, 31.01.2020, 31.01.2020, 30.06.2013, 30.09.2012, 30.06.2019,  
 31.01.2020, 29.02.2012, 31.01.2020, 31.01.2020, 31.01.2020, 31.01.2020,  
 31.01.2020, 31.01.2020, 31.01.2020, 31.01.2020, 31.01.2020, 31.01.2020,  
 29.02.2020, 31.05.2019, 31.01.2020, 31.01.2020, 30.06.2020, 31.03.2020,  
 31.01.2020, 31.01.2020, 30.11.2014, 30.06.2015, 30.06.2015, 31.05.2011,  
 31.01.2020, 31.01.2020, 31.01.2020, 31.01.2020, 31.01.2020 and 31.01.2020 and  
 the increment was due for all of them on the next day of their  
 superannuation/Retirement. It is submitted that an annual increment is deemed to  
 have fallen after completion of 365 days of duty of any individual and an  
 increment usually represented inherently accrued portion of what an employee  
 earns per year and, therefore, the applicants are entitled to an increment and  
 denial of such an increment is unjustified. It is further submitted the Hon'ble  
 High Court of Madras in W.P. No. 15732 of 2017 had granted one notional  
 increment, after completion of one full year of service, for the purpose of  
 pensionary benefits. The applicants are also similarly placed as the applicant in  
 the referred case and, therefore, eligible for one notional increment. on  
 superannuation. The applicants made individual representations to the respondents  
 seeking grant of one notional increment, which was turned down by the  
 respondents. Challenging the same, the applicants filed the instant O.A., seeking  
 the aforesaid relief.

4. Respondents 1 to 2 and Respondent no..3 have filed their respective  
 replies. It is seen from the reply filed by Respondents 1 to 2 that, besides taking  
 the ground of delay, applicants are found to be not similarly placed. Respondents  
 further stated that, as per the provisions under Service Rules on the subject, the  
 relief sought by the applicants is not admissible and that the case of



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M. Balasubramanian, referred to by the Hon'ble High Court in its judgment in A. Ayyamperumal case is related to the Fundamental Rules of Tamil Nadu Government, where the annual increments are regulated in four quarters, viz., 1<sup>st</sup> of January, April, July and October, whereas, for BSNL employees, it is the first of every month of the year throughout, depending upon each individual's case. The respondents categorised the applicants into three groups to establish that they are not similar. Under Category-I, applicant nos. 28, 37, 40, 42 and 47, have not completed one full year of service to earn increment. Therefore, respondents submit that it is for this reason, that OA is liable to be dismissed as different categories of applicants joined together and filed this O.A. In Category -II, applicant nos. 6, 7, 8, 10, 12, 13, 14, 15, 16, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 38, 39, 43, 44, 45, 46, 47 & 48, who opted for the BSNL VRS-2019, by giving an undertaking of unconditional acceptance of all the terms and conditions of the scheme and also, after accepting the ex-gratia payment already made for the service left out under the package, the applicants cannot seek any further benefits outside the terms and conditions of the scheme. On this sole ground itself, the OA is liable to be dismissed as far as the applicants under Category II are concerned as these applicants were compensated already as per the scheme for the left out service. In Category-III, for applicants 1, 2, 3, 4, 5, 9, 11, 17, 18, 19, 21, 32, 33, 35, 36, 37, 40, 41 & 42, who retired under superannuation on various dates, their date of next increment falls on the next day of their retirement. It is submitted that the date of increment of an employee at the time of retirement is ultimately based on the option(s) exercised by the employee in respect of FR 22(1)(a)(i) pay fixation at the time of his time bound/post based promotions during his career, otherwise their increment date would have become due on some other day. Had the applicants exercised the said option for pay fixation as on the actual date of increment, their annual increment dates would not have fallen on the next day of their retirement.



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It is further submitted that the applicants' case under category I, II, III are not similar and identical to the case of Ayyamperuamal and, hence, they cannot seek the same relief by citing the judgement in Ayyamperumal's case.

5. Respondent No.3 has also filed a separate reply in which it is stated that in the case of applicant nos. 28, 37, 40, 42 and 47, the date of their next increment has been wilfully wrongly furnished in the application, as if it is next day of their retirement, whereas their original date of next increment falls on different dates. On that basis itself, the case deserves dismissal. The judgement referred to by the applicants is in personam, in terms of DOPT OM, dated 11.11.2019. Further it is stated that there are no Rules/Provisions, either in the Central Government or in the BSNL, for according notional increment to employees who retire a day before their due date of increment. The applicants become pensioners on the date of increment. They cannot be entitled to any increment which may fall due post-retirement. It is further stated that the request of the applicants could not be considered by the respondents' office as no instructions/orders were received at the office from the DOT, HQ, New Delhi. The respondents, therefore, pray for dismissal of the O.A.

6. Heard Mr. N.K. Srinivasan, learned counsel for the applicants and the learned counsel appearing for the respondents and gone through the O.A. and replies of the respective respondents and documents annexed to the same. Both the counsels reiterated the contentions made in the respective O.A. and replies.

7. During the course of arguments, the learned counsel for the applicants produced before us a very recent decision, dated 11.04.2023, of the Hon'ble Supreme Court in Civil Appeal No. 2471 of 2023 (SLP(C) No. 6185/2020) in the case of the Director (Admn. And HR) KPTCL & Ors. vs. C.P. Mundinamani & Ors., and submitted that, after considering different decisions rendered by different Hon'ble High Courts, the Hon'ble Supreme Court rendered its decision and the



5/11/24



issue therein is squarely applicable to the issue involved in the matter of the applicants in the present O.A. The learned counsel for the applicants has further drawn our attention to the operative portion of the judgement which is Para 7, as extracted hereunder:-

“7. In view of the above and for the reasons stated above, the Division Bench of the High Court has rightly directed the appellants to grant one annual increment which the original writ petitioners earned on the last day of their service for rendering their services preceding one year from the date of retirement with good behaviour and efficiently. We are in complete agreement with the view taken by the Division Bench of the High Court. Under the circumstances, the present appeal deserves to be dismissed and is accordingly dismissed. However in the facts and circumstances of the case, there shall be no order as to costs.”

8. At the outset, the learned counsel for the applicants submits that, since the issue involved in the present O.A. is squarely covered by the decision of the Hon'ble Supreme Court (Supra), his clients would be satisfied if the O.A. is directed to be disposed of by quashing and setting aside the impugned order and by directing the respondents to consider and dispose of the claim of the applicants in the light of the decision of the Hon'ble Supreme Court (supra) and extend the benefit of the judgement to the applicants by passing a reasoned and speaking order within a time frame fixed by the Tribunal.

9. We have gone through the decision of the Hon'ble Apex Court (Supra) produced before us by the learned counsel for the applicants.

10. In view of the above, keeping the matter pending before us is not at all desirable and, accordingly, we are of the view that the ends of justice would be met if the OA is disposed of by quashing and setting aside the impugned orders, vide Letter No.TAC/PEN/BSNL/SR/18-19, dated 31.08.2020, and the respondents are



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directed to consider and dispose of the claim of the applicants in the light of the decision, dated 11.04.2023, of the Hon'ble Apex Court in Civil Appeal No. 2471 of 2023 (SLP(C) No. 6185/2020) in the case of the Director (Admn. And HR) KPTCL & Ors. vs. C.P. Mundinamani & Ors., and extend the benefit of the said judgement, if the applicants herein are similarly situated as the employees/respondents before the Hon'ble Supreme Court (Supra), by passing a reasoned and speaking order, within a period of three months from the date of receipt of a copy of the order. Ordered, accordingly.

11. With the above direction, the O.A. is disposed of. There shall be no order as to costs.

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*C. S. 2012/2021*  
DEPUTY REGISTRAR

